

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

|                        |   |                                     |
|------------------------|---|-------------------------------------|
| LISA GUNTER,           | : |                                     |
|                        | : |                                     |
| Plaintiff,             | : |                                     |
|                        | : | Case No. 3:09CV0292                 |
| vs.                    | : |                                     |
|                        | : | District Judge Timothy S. Black     |
| MICHAEL J. ASTRUE,     | : | Magistrate Judge Sharon L. Ovington |
| Commissioner of Social | : |                                     |
| Security,              | : |                                     |
|                        | : |                                     |
| Defendant.             | : |                                     |

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DECISION AND ENTRY

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The Court has conducted a *de novo* review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #11), to whom this case originally was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It therefore is **ORDERED THAT:**

1. The Report and Recommendations filed on June 28, 2010 (Doc. #11) is ADOPTED in full;

2. The Commissioner's non-disability finding is REVERSED;
3. This case is REMANDED to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. § 405(g) for payment of SSI and DIB consistent with the Social Security Act; and
4. The case is TERMINATED on the docket of this Court.

8/19, 2010

Timothy S. Black  
Timothy S. Black  
United States District Judge